

**Testimony of  
Robert S. LaBrant  
Senior Vice President and General Counsel  
Michigan Chamber of Commerce  
on HB 4226  
before the  
House Oversight, Elections and Ethics Committee  
on February 9, 2005**

Mr. Chairman and members of the Committee:

HB 4226 is an attempt to address the possible impropriety, or even its appearance, that could arise when a legislator leaving public office, either voluntarily or involuntarily through electoral defeat or term limitation, uses the remaining time left in his or her term of office to live up to future employment as a lobbyist agent at either a multi-client lobbying firm or law firm or as a lobbyist agent in a business, educational institution or association. To discourage this kind of revolving door and the ethical issues that may arise, HB 4226 would prohibit a former legislator from doing any lobbying for a period of six months from leaving office.

As drafted, HB 4226 would prevent a former legislator from speaking at any face to face meeting with, making one telephone call to, writing one letter to, sending one fax to, or one e-mail to a public official for the purpose of influencing legislative or administrative action when the former legislator is communicating to a public official on behalf of that new employer or a client of that new employer for a period of six months after leaving the legislature.

In an era of term limits, it can be expected that a high percentage of the termed out lawmakers will return to the private sector after completing six, eight, 14 years or less of legislative service.

Not all of these former legislators will be employed full time as lobbyist agents. However, it is conceivable that an employer may want to take advantage of that former legislator's experience and knowledge in the first six months of employment, on an occasional or perhaps one time basis, to communicate directly with a public official in the legislative or executive branch of state government where the purpose of the communication is to influence that public official's legislative or administrative action on behalf of that employer. HB 4226 would prevent any such contact for six months no matter how occasional or isolated that communication might be.

I would suggest that HB 4226 is overbroad. The bill should be narrowed in focus so that in the six month period after legislative service, a former legislator's lobbying should be less than the monetary threshold required for registration as a lobbyist agent. In 2005 that threshold is \$500 during a 12 month period.

**SUGGESTED AMENDMENT**

1. On page 1, line 3 after "lobbying", insert "THAT EQUALS OR EXCEEDS THE MONETARY THRESHOLD REQUIRED FOR REGISTRATION AS A LOBBYIST AGENT."



2005

# LOBBYIST AGENT REGISTRATION

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. REGISTRANT'S NAME (ONLY ONE PERSON MAY REGISTER WITH THIS FORM)

2. REGISTRANT'S ID NUMBER

A

3. TYPE OF FILING

☐ ORIGINAL REGISTRATION

☐ AMENDMENT TO EXISTING REGISTRATION

ITEMS BEING AMENDED \_\_\_\_\_

4a. MAILING ADDRESS (ALL MAILINGS WILL BE SENT TO THIS ADDRESS)

TELEPHONE NUMBER ( ) \_\_\_\_\_

4b. RESIDENTIAL ADDRESS (IF REGISTRANT IS AN INDIVIDUAL )

4c. BUSINESS ADDRESS (IF DIFFERENT THAN ITEM 4a )

5. DATE BECAME LOBBYIST AGENT

☐ CHECK BOX IF REGISTRANT HAS NOT MET THE DEFINITION OF A  
DEFINITION OF A LOBBYIST AGENT AT THIS TIME

MONTH DAY YEAR

REGISTRATION IS REQUIRED WITHIN 3 CALENDAR DAYS AFTER MEETING THE DEFINITION OF A LOBBYIST AGENT.  
LATE FILING FEES ARE ASSESSED IF A REGISTRATION IS RECEIVED MORE THAN 3 CALENDAR DAYS AFTER THE DATE INDICATED  
ABOVE.

6. EMPLOYEES

ADD THE NAME AND ADDRESS OF EACH INDIVIDUAL, FIRM OR OTHER PERSON DIRECTLY EMPLOYED,  
COMPENSATED OR REIMBURSED FOR LOBBYING BY THE PERSON NAMED UNDER ITEM 1. DELETE A NAME  
WHEN THE PERSON IS NO LONGER EMPLOYED, COMPENSATED OR REIMBURSED FOR LOBBYING.

THE ENTRY OF A PERSON'S NAME UNDER THIS ITEM DOES NOT REGISTER OR TERMINATE THE PERSON AS A  
LOBBYIST OR A LOBBYIST AGENT. ALL PERSONS REQUIRED TO REGISTER MUST DO SO ON A SEPARATE  
REGISTRATION FORM.

☐ ADD

☐ ADD

☐ DELETE  
ID# \_\_\_\_\_

☐ DELETE

ID# \_\_\_\_\_

☐ ADD

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☐ DELETE

ID# \_\_\_\_\_

☐ DELETE  
ID# \_\_\_\_\_

7. VERIFICATION: I CERTIFY THAT ALL REASONABLE DILIGENCE WAS USED IN THE PREPARATION OF THE ABOVE FORM, AND  
THE CONTENTS ARE TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
ATTENTION.) (ALL MAIL WILL BE DIRECTED TO THE SIGNATORY'S  
TYPE OR PRINT NAME OF AUTHORIZED SIGNATORY

SIGNATURE (REGISTRANTS WHO ARE INDIVIDUALS MUST SIGN THEIR OWN FORMS.)

MONTH DAY YEAR